

I have personal knowledge of the facts stated herein and they are true and correct. I am supplying this Declaration in connection with the Motion to Disqualify Plaintiffs' Counsel Caleb Moore (Re: Docket No. 39) (the "Motion").

2. I am the sole shareholder of J. Michael Ferguson, P.C. ("JMFPC"). In late 2013, JMFPC hired Ian Ghrist ("Ghrist"). JMFPC hired Ghrist specifically to assist in the identification, collection and servicing of primarily residential loans secured by deeds of trusts and similar lien documents.

3. Ghrist worked for JMFPC from the period of 2013 through December 2015. During that time, Ghrist served as legal counsel to Anson and performed extensive work for Anson. As such, Ghrist represented Anson specifically in connection with Anson's purchase of the partnership interest from Jentex Financial, Inc. ("Jentex") in the Alvord 287 Joint Venture in September of 2014.

4. This current suit with the Plaintiffs against Anson arises directly from Anson's purchase of Jentex's partnership interest in the Alvord 287 Joint Venture.

5. JMFPC terminated Ghrist in December of 2015.

6. In the course of the representation of Anson, Ghrist obtained confidential information and confidential knowledge including the purchase of the partnership interest from Jentex, the communications with Frazier Asset Management, Inc. ("FAM") in regard to the purchase, discussing and planning legal strategies for dealing with Brian Frazier's ("Frazier") contention that the partnership could not be ended, discussing legal strategies of dealings with FAM once Frazier tore up the first distribution check and informed Anson that his attorney told him not to accept money or sign anything.

7. In addition, Ghrist represented the Alvord 287 Joint Venture in legal matters. Ghrist was privy to all aspects of Anson's ownership of the Alvord 287 Joint Venture and the legal matters between Anson and FAM as well as all legal matters that occurred between the Alvord 287 Joint Venture and purchasers of the lots.

8. In September of 2016, Ghrist filed suit against me and various entities that I own, including Anson, under Cause No. 017-287611-16, *Ghrist et. al. v. Ferguson et. al.* in the 17th District Court in Tarrant County, Texas. Moore represented Ghrist in that proceeding.

9. In October of 2016, Kelly Gongloff ("Gongloff"), FAM's prior attorney, communicated with Moore about the possibility of Moore representing FAM in a lawsuit against Anson. I received this email communication through a written deposition we did in this present suit. It is evident from the emails that Moore was obtaining information about Anson from Ghrist, such as whether Anson had registered as a loan servicing company, whether a license was required, whether Moore's client, Ghrist, would consent to Moore representing FAM and finally, confirming about Ghrist, "He thinks it would be beneficial to all ... the more litigation Ferguson has to deal with.".

10. While the Ghrist suit in the 17th District Court was active, Ghrist also served as the receiver under cause number 141-269254-13 for the Judgment Creditor MBH Real Estate, LLC ("MBH"), an entity owned by Anson and JMFPC. While acting as the receiver for MBH, Ghrist received royalty checks from Chesapeake Energy but did not disclose the receipt of those checks to MBH, Anson, or JMFPC. Instead, Ghrist changed the mailing address, so the royalty checks were mailed directly to Moore's office. Ghrist then used those undisclosed MBH funds to pay Moore to represent Ghrist against Anson, JMFPC, and MBH in the 17th District Court.

11. In November of 2016, Plaintiffs initiated this suit against Anson regarding the Alvord 287 Joint Venture. Moore represented Plaintiffs in this matter against Anson simultaneously with Moore's representation of Ghrist in the 17th District Court against Anson.

12. Despite having served as legal counsel for both Anson and the Alvord 287 Joint Venture, Ghrist has authored pleadings and/or ghost-written pleadings by Plaintiffs against Anson regarding the Alvord 287 Joint Venture. The meta data show that Ghrist was the author on the following documents in this case: (1) Plaintiffs Original Petition dated 11/7/2016; (2) Plaintiffs First Amended Petition dated 2/7/2017; (3) Plaintiffs Second Amended Petition dated 10/19/2017; (4) Plaintiff Brian H. Frazier's Request for Disclosures dated March 21, 2017; and (5) Plaintiffs Response to Motion to Disqualify Caleb Moore dated 5/22/2018.

13. In addition, as a trial date in this present suit approached in 2019, Moore identified Ghrist as a witness, stating in regard to Ghrist, "He has knowledge regarding claims by Anson v. Frazier in this suit, emails Anson subpoenaed and may also offer testimony related to elements of punitive damages."

14. In September of 2017, entities that I owned filed suit against Ghrist, Cause No. 067-311209-19, *MBH et. al. v. Ghrist et. al.*, 67th District Court in Tarrant County, Texas. Ghrist represented himself throughout the entirety of the litigation in the 67th District Court case and Moore was not involved in this case. In January of 2021, over the objection of Anson and after the court's plenary power had expired, Ghrist obtained approximately 18,000 pages of Anson, MBH, and JMFPC bank statements and other financial documents via subpoena from Chase bank in connection with his lawsuit in the 67th District Court. Those documents contain personal identifying information on borrowers, clients and other parties such as account numbers, names, phone numbers, addresses, dates of birth, social security numbers, tax id numbers, and other

personal identifying information of borrowers and clients that are not involved in any litigation that involve Ghrist or Moore.

15. Ghrist, without permission of Anson or the other parties for which he obtained private banking information, provided Moore with all of the 18,000 pages of documents, including documents well outside the scope of the Alvord 287 Joint Venture and which had Anson's clients and customer information on it without any redaction or limitations.

16. The 18,000 pages of information that Ghrist received from Chase and provided to Moore were from years 2011-2020.

17. Consequently, the 18,000 pages of financial documents contained information from the time period to which Ghrist provided legal services and acted as counsel for Anson (2013-2015).

18. Mr. Moore was not representing Ghrist in the 67th District Court case and instead received the documents from Ghrist in a manner separate and apart from acting as Ghrist's attorney.

19. In this present suit, Moore had filed multiple Motions to Compel Anson's bank records in the 342nd District Court but Moore was never granted that request.

20. In addition, Moore requested Anson's bank records to be given to Milburn Ray (the accounting firm who conducted the AUP in this case) and Moore was told that such bank records were not needed for the AUP and outside the scope because they did not belong to the Alvord 287 Joint Venture.

21. On February 18, 2021, Moore emailed a letter to Anson's counsel, Jason Ankele, forwarding a flash drive with over 18,000 pages of Anson's financial documents, including thousands of documents related to entities not privy to this litigation, and stated that the documents

“were provided by Chase to Ian Ghrist in response to a subpoena he issued in another case he was litigating with your client.” And that Moore “determined that these records are relevant to the issues being litigated in this case.”

22. On October 21, 2021, via testimony in Anson’s main bankruptcy case to which I was present, Ghrist testified that he provided Moore all of the documents as a consultation to the 67th District Court, while also knowing that Moore was actively representing Plaintiffs against Anson in the 342nd District Court. Ghrist stated that he neither redacted any of the documents nor limited the document production to documents relevant to this suit.

23. Confidential and privileged information, including privacy data such as social security numbers, account numbers, tax ids, dates of birth, names, addresses and other personal identifying information of borrowers and clients that are not involved in any of the litigation that involve Ghrist or Moore were in those documents and given to Moore.

24. On November 1, 2021, via testimony in Anson’s main bankruptcy case to which I was present, Moore testified that he received the 18,000 pages of financial documents in regard to *his representation* of Ghrist in the 67th District Court, noting he has represented Ghrist for almost five years, clearly in contrast to his previous testimony and also to his February 18, 2021, letter to Anson’s current counsel in which he states Ghrist obtained the records from Chase on a suit that *Ghrist was litigating* with Anson.

25. It is clear that Ghrist breached his duties to his former client, Anson, in the conduct laid out above. Ghrist and Moore have worked together against Anson since September of 2016. Moore has received insider knowledge of Anson specifically regarding the entirety of Anson’s financial history that Moore would not have received otherwise and was denied access to in this case, but for Ghrist’s involvement.

26. Attached to this Declaration and incorporated herein are true and correct copies of documents I received in my capacity as President of Anson and counsel for Anson from the various lawsuits described above. **The following exhibits match the exhibits attached to Defendant's Motion.**

EXHIBIT	DESCRIPTION
DEF027	Affidavit of Ian Ghrist
DEF029	Separation Agreement with Ian Ghrist
DEF030	Caleb Moore Affidavit
DEF031	Kelly Gongloff and Caleb Moore emails October 5 and 6, 2016
DEF032	Ghrist Receiver Order
DEF033	Ghrist Deposition in the 17 th District Court
DEF034	Copy of Chesapeake Check with Caleb Moore's address
DEF035	Pleadings where meta data shows Ian Ghrist authored Pleadings
DEF036	Plaintiff's Witness Designation
DEF037	Online docket sheet of 67 th District Court
DEF038	Ghrist Testimony in bankruptcy court 10-21-2021
DEF039	Caleb Moore Testimony in bankruptcy court 11-1-2021

EXHIBIT	DESCRIPTION
DEF040	Caleb Moore letters
DEF041	Motions to Compel filed by Moore for Anson bank records
DEF042	Caleb Moore and Kyle Hendrix email re AUP

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 24, 2022

/s/J. Michael Ferguson
J. Michael Ferguson
President of Anson Financial, Inc.